

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SETH LAW, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KIMBERLY SUE LAW,

Respondent-Appellant.

UNPUBLISHED

March 13, 2007

No. 272020

Genesee Circuit Court

Family Division

LC No. 02-115659-NA

Before: Servitto, P.J., and Talbot and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent and the child were involved in a single vehicle accident, which resulted in injury to the child. Respondent tested positive for cocaine and alcohol following the accident. By her own admission, she had an extensive history of drug use, experiencing brief periods of sobriety followed by relapses. In fact, respondent's parental rights to five of her other children were terminated in prior proceedings. Given respondent's continued drug use, there was a reasonable likelihood that the child would have suffered injury or abuse in the foreseeable future if placed in respondent's home for purposes of subsections 19b(3)(b)(i) and (j).

In addition to drug use, it was apparent that respondent would not have been able to provide the child with proper care or custody under subsection 19b(3)(g). There was no evidence that she could provide the child with a proper home.

The trial court was required to terminate respondent's parental rights unless it appeared on the whole record that termination was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The protective services worker testified that there was a strong bond between respondent and the child. Still, the trial court did not find that the decision to terminate was a difficult one given respondent's past. She barely avoided termination in a prior proceeding in 2003 and had failed to address the issue that plagued her the most—her substance abuse. In the latest incident, her drug use put the child's life at risk. Although the child was clearly attached to respondent, he was entitled to a

safe home life. He was also entitled to permanence and stability. The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Affirmed.

/s/ Deborah A. Servitto
/s/ Michael J. Talbot
/s/ Bill Schuette